

TO CALL AN EXTRA SESSION

GOV. HUGHES AROUSED BY DEFEAT OF ANTI-GAMBLING BILLS.

Lectures Senators for Defeating Them and Says It Is Their Duty to Reconsider Their Action—Urges the Enactment of Legislation Which He Has Recommended.

ALBANY, April 9.—To-day Gov. Hughes is in no uncertain way showed his resentment toward the treatment that the Legislature is extending to him in ignoring nearly everything that he has recommended in the line of legislation. In a special message transmitted to-day to the two branches of the Legislature the Governor showed his displeasure over the defeat of the anti-racetrack betting bills yesterday and indicated that the Legislature had not heard the last from him on this subject. At the noonday conference with the newspaper men the Governor talked more freely than he has at any other time. While he would not be quoted, he made it plain to the newspaper men that he is getting ready to strike back and to bring the Senate to terms.

He feels the keenest about the defeat of the anti-racetrack betting bills, and in order to bring about their passage, if such a thing is possible, he will call a special session of the Legislature in May. In order to get the necessary twenty-sixth vote the Governor intends to call a special election to fill the vacancy in the Forty-seventh Senate district caused by the death of Senator Franchot. The Governor feels that if there is an election in that district he can secure another supporter for the Agnew-Hart bills. The issue would be clearly drawn in the campaign which will be waged and the campaign no doubt would be the most interesting that district has ever had. The election cannot be held until May 12.

There is some doubt in the minds of a good many people as to whether or not the Governor has a right to call for an election of a Senator in the district. The new amendment law wipes out the district and there would be a fine question of law as to whether or not a new Senator could be elected from a district that does not officially exist any longer. The Governor says he has the power, but other lawyers differ with him on the subject.

But no matter what the Governor does it is the opinion of observers of legislative affairs that he cannot accomplish anything at this late day. Even his friends believe he has followed a course of procrastination that cannot be undone. He has seen the Legislature paying no more attention to his messages and recommendations than if they had never been written, and he knew on the day that the final adjournment resolution was adopted that the Legislature intended to get away without sending to him anything but the banking legislation, and Superintendent of Banks Clark Williams and the interests behind Mr. Williams are responsible for bringing about the successful passage of these bills. The general impression in legislative circles is that the Governor is pulling against the tide and they don't fear him this year as they did last year.

Even Senator Raines believes the Governor can do nothing at an extra session of the Legislature. He doesn't even think a special election in the Niagara-Orleans district will help any, for he believes a Democrat would be elected there. Whether or not the eight Republican Senators who voted to retain the Percy-Gray betting law would change their position even at an extra session is most unlikely. The Governor's friends say that if he had shown a disposition to use the whip before he would have succeeded, but now that he has permitted Senators to go on record it would be most embarrassing for them to change their positions. Senator Raines doesn't think calling a caucus would amount to anything, for he believes the eight Republican Senators would bolt it and that would gain nothing for the bills.

While the Governor in his message devoted the most of his attention to the question of the defeat of the Hart bills yesterday, he also called to the attention of the Legislature the other subjects that he had recommended in his annual message and which have been ignored by the Legislature. The text of to-day's special message follows:

THE GOVERNOR'S MESSAGE.

"STATE OF NEW YORK, EXECUTIVE CHAMBER,

"ALBANY, April 9, 1908.

"To the Legislature:

"I again urge you to enact appropriate legislation to abolish the existing discriminations in favor of racetrack gambling.

"The failure of the upper branch of your honorable body to pass the measures designed to effect this purpose after their passage in the lower branch cannot be regarded as disposing of the matter. The Constitution, with its peremptory mandate, still stands. It provides:

"Nor shall any lottery, or the sale of lottery tickets, poiseing, bookmaking or any other kind of gambling be spoken upon, or allowed within this State; and the Legislature shall pass appropriate laws to prevent offences against any of the provisions of this section.

"The evil of racetrack gambling flourishes not in spite of the law but because of the law. Legislation pretending to carry out the constitutional provision in effect nullifies it. You are not asked to accomplish the impossible or to write upon the statute books a visionary scheme of moral reform. You are asked to rid the law of a vicious discrimination whereby offences equally condemned by the Constitution are punished as crimes if committed in one place and are encouraged by the absence of suitable penalty if committed elsewhere.

"Chapter 670 of the Laws of 1905, known as the Percy-Gray law, pretends in its provisions with regard to authorized racetracks to prohibit gambling. But it cheats the prohibition by providing that the only penalty, if no memorandum or token of the wager be delivered, shall be liability to a civil suit for the money lost. If ever it was supposed that this was an appropriate law to prevent the offences mentioned in the Constitution no one now cherishes the illusion. It is a mockery of prohibition, and pool selling and bookmaking flourish at the racetracks as though they were legally authorized. Not only is this the result, but the enforcement of the law elsewhere is embarrassed by these undemocratic discriminations.

"It is not a question for the Legislature whether this vice should be permitted or regulated. Under the Constitution the Legislature has no right to permit it or to regulate it. The people have spoken upon that question. You are asked to make existing prohibitions effective. Instead of virtually protecting poiseing and bookmaking upon the racetracks, instead of driving them and subjecting them to an inadequate penalty, the law can and should effectively prohibit them by imposing penalties similar to those which are visited upon identical offences elsewhere.

"The demoralizing influences and the menace to the welfare of the State which are involved in the continuance of this evil are obvious. Still more important is the necessity of law of the land and of demonstrating that this is a State where law

and order prevail and where no interest is powerful enough to keep upon the statute books deceitful provisions whereby prohibition becomes profitable license and a favored class of lawbreakers are afforded substantial immunity.

"Hence for the law the security of our Government, and the guarantee of the rights of liberty and property will not long avail if the people are taught to view the Constitution with contempt.

"I therefore urge you to discharge a manifest duty and to end the discriminations in favor of racetrack gambling which cupidity inspired and now seeks to maintain.

"I also urge upon you the importance of the enactment before the adjournment of your honorable body of suitable legislation with regard to the following matters:

"Provision for such additional amendments to the law as may be needed to secure the proper conduct and adequate supervision of banks and trust companies and their economical liquidation in accordance with my former recommendations.

"Amendment of the primary election law so as to make proper provision for direct nominations and an official primary ballot in suitable form.

"Amendment of the Public Service Commission law so as to include in the manner recommended as the result of the experience of the commissions, and also for the purpose of providing appropriate regulation of telephone and telegraph companies.

"Amendment of the rapid transit law for the purpose of facilitating, under adequate restrictions in the public interest, the building of subways in the City of New York.

"Amendment of the law so as to consolidate our highway statutes and provide a suitable scheme for the construction and maintenance of highways.

"Abolition of the Commissioners of Quarantine and the devolution of their duties upon the Health Officer of the Port of New York.

"Reduction of the number of port wardens of the port of New York from nine to five.

"Provision for a more economical system of appraising lands taken for canal improvements.

"There are also questions which it is important should form the subject of authoritative investigation. They are closely related to the welfare of the people and cannot be dealt with satisfactorily unless the Legislature accurately known and carefully studied.

"I recommend that provision be made by commissions serving without compensation, but with proper appropriations for expenses, for suitable inquiry into the following matters:

"(1) The facts relating to speculation in securities and commodities with the view to ascertaining the manner in which illegitimate transactions may be prevented and legitimate business safeguarded.

"(2) The condition and distribution of immigrants from foreign countries who are resident within this State and the measures which may be practicable to remedy existing abuses.

"(3) The number and condition of the unemployed and the means best adapted to secure a resumption of productive activity.

"(4) The conditions and procedure of inferior courts of criminal jurisdiction, where it would seem that our system of administering justice may be greatly improved.

"CHARLES E. HUGHES."

GOVERNOR ATTACKED AND DEFENDED.

The disposition of the message in the Senate provoked another attack from Senator Grady on the Governor. Senator Raines wanted the part of the message referring to racetrack gambling laid on the table, so that it will stay in the pocket of the Senate, and the remainder of the message be sent to the committees having under consideration bills bearing on the subjects he treated in his message.

Senator Grady said that the Governor had sent such a message to the Senate, and that the remainder of the message be sent to the Judiciary and Codes committees. He then launched into another attack upon the Governor.

"I am glad," said the Governor, "that the message is being attacked. But the Governor shouldn't get an idea into his head that he is any better than the Senate. He has no right to send such a message to the Senate. I feel I am just as good a man as the Governor. I may be wrong, but I think so, anyhow. The Governor has no right to dictate or administer lectures to the Senate."

Senator Grady defended the Governor and lectured Senator Grady for his attack on the Governor. He indicated, too, that the racetrack betting question isn't ended.

"I want to call Senator Grady's attention," he said, "to the fact that while a thing may be settled it isn't always settled as one thinks. I recall that in 1885 Gov. Hill sent a message to the Legislature asking for the passage of an emigration bill. The Legislature sent him a bill which he vetoed and said that he wanted an emigration bill and not a census bill. The Legislature sent him back the same bill which he vetoed again. The Legislature adjourned, but as it did so he sent a message to it calling for an extraordinary session to pass the kind of bill he wanted. The Governor did not get the kind of legislation he demanded. I don't know whether I would vote for a bill dealing with Wall Street gambling. I think the present laws are sufficient to deal with that subject."

Senator Grady returned to the attack and said that the Governor had no more right to tell him or the Senate what to do than the Senate had the right to tell him what to do.

"The Governor," he said, "thinks the Senate is a subordinate and not a coordinate branch of the Government. I don't think so. I want to say that there is no one so liberal in his criticism of the motives of the people who disagree with him as is the Governor."

Senator Gilchrist (Rep., Brooklyn) also took the Governor to task for sending such a message to the Senate.

Senator Page defended the Governor and upbraided Senator Grady for impugning the motives of the Governor. In the debate of yesterday practically accusing the Governor of dishonesty. He said the Governor was right in the position he had taken and he had the confidence of the people of the State.

Senator Raines's motion to have the part of the message dealing with racetrack gambling laid on the table and the remainder sent to the different committees prevailed. Senator Grady withdrawing his opposition.

In the Assembly Assemblymen Palmer, Cuvillier and Oliver took the same position that Senators Grady and McCarren did, and told the Governor he should not interfere with the Legislature. Majority Leader Merritt defended the Governor. The message was ordered printed and tabled.

OUR WICKED SENATORS.

Mr. Cutting Dismisses in Them the Insanity Precedent to Destruction.

R. Fulton Cutting, president of the Citizens' Union, sent out a statement last night promising that the Union would seek to arouse public sentiment to the gravity of the scandal involved in the domination of our Senate by the gambling interests." Mr. Cutting added:

"The part played by three-quarters of New York city's Senators in this nefarious transaction should bring to any self-respecting community a sense of overwhelming shame. Fifteen of twenty-five votes necessary to make the division a tie were contributed by the city of New York, which is more cursed by the evils arising from the gambling mania than all the rest of the State. Some steps must be taken to remedy this condition. The Senate has been so far from the people that it is impossible to demand for the higher standards which has been making itself felt throughout our government. They have chosen to take issue with the decent sentiment of the people. When they do this they destroy their first make mad."

Seven Lottery Men Pay \$32,200 in Fines.

CINCINNATI, April 9.—Fines aggregating \$32,200 were to-day assessed against Morris Richmond and six others after they had pleaded guilty to conducting the Kentucky lottery. Richmond was fined \$10,000.

BANKING BILLS WILL PASS

SENATE WILL DISPOSE OF THEM AS A SPECIAL ORDER.

Two More of the Bills Passed by the Assembly—Proposed State Hospital on the Creditors' Side Range—\$250,000 to Buy Lands for State Forest Preserve.

ALBANY, April 9.—The banking bills recommended by the State Superintendent of Banks, which are now on the Senate calendar, will be taken up and disposed of as a special order next Thursday. The Senate to-day ordered to a third reading the Assembly bill giving the State Superintendent of Banks the same control of insolvent financial institutions as the Comptroller of the Currency has over national banks.

The Assembly passed two more of the bills desired by the Superintendent of Banks. One of the bills provides for monthly reports on loans made and paid and securities bought and sold, these reports to be filed with the directors of the financial institutions or submitted to an executive committee of five.

The other bill provides that branches of banks must have a capital of \$100,000 if heretofore established and \$50,000 if already established. The bill also provides that existing and future branches must have the approval of the State Superintendent of Banks, but this bill is to be amended in the Senate so that this provision will not apply to existing branches.

Senator Armstrong's bill appropriating \$250,000 to buy additional lands for the State in the forest preserve passed the Senate.

Senator Gilchrist's bill providing for the election of two additional city Magistrates in Brooklyn was recommended in the upper house.

The Senate passed Senator Wilcox's bill regulating the practice of optometry. The Senate is marking time on the Cassidy-O'Brien bill enacting the Massachusetts law with a view of driving bucket shops out of New York State. When the bill came up on the order of final passage in the Senate to-day it was amended, thus throwing its final consideration over until next week.

The Assembly has passed the Francis bill recommended by Gov. Hughes, which provides for the appointment of a commission of nine members to investigate the immigration problem with a view of settling the condition of foreigners coming to the port of New York. The commission is allowed \$10,000 for expenses and it is to report to the next Legislature. It is favored by the National Civic League and Settlement Workers in New York City.

The Democrats in the lower house made a strenuous effort to prevent the passage of Assemblyman H. R. Robinson's bill amending the election law to secure a more complete description of voters who register from lodging houses in New York City. The bill compels the proprietors of lodging houses to send such messages to the State Registrar and to secure a more complete description of voters who register from lodging houses in New York City.

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WEDDING SILVER

The Gorham Company announces an exhibition of Wedding Silver notable in two respects—the original character of the designs and the range of utilities they represent.

Table Silver, Family Chests, Serving Pieces and Dishes, Decorative Pieces, Toilet Silver.

THE GORHAM CO. 5TH AVE. & 36TH ST.

PROF. SANFORD'S BOMB.

Sputtering Dry Cell by Open Window From Which Two Men Ran Away.

The police of the East Fifty-first street station don't know what to make of a "bomb" which was found in front of the residence of Samuel S. Sanford at 50 West Fifty-second street just after daybreak yesterday morning. Mr. Sanford is professor of applied music at Yale University and has been confined to his home since September with trouble of the eyes.

The "bomb" was discovered lying on the flagging by Policeman Louis Lewis, after two men had run away from the house at his approach. It was a small tin cylinder, from one end of which projected a sputtering fuse.

Lewis stamped on the fuse, blew his whistle and started after the men. Another policeman joined him, but the alleged bomb had caused sufficient delay to allow the runaways to escape. At the station house Lieut. Casey gave the cylinder a drenching and sent it on to the Bureau of Combustibles. It proved to be only a well battered tin cylinder which had been attached to a home made fuse.

A basement window was open in the Sanford house, and that made the police think that possibly the men had been trying to get into the house and surprise the professor, had planted the "bomb" to insure their getaway. But another opinion was that the bomb was intended solely as a joke, whether on the police or the Sanford servants was undetermined.

The mother committed suicide by inhaling gas through a tube which she evidently had tried to fasten in her mouth by tying a piece of tape around her neck. Her head fell forward as she became unconscious and the tube slipped from between her teeth, allowing the gas to escape full force, asphyxiating the child.

The bodies were found by Alice Vickers, a little girl who went to the Koenig home to play with little Bessie. Mrs. Koenig's body was on a lounge and her daughter's was on the floor partly under a table. It is believed that she was overpowered by the gas as she was attempting to escape from the room. The police, who came later, found the mother and daughter both badly unharmed in an adjoining room.

Betty Koenig said that her wife had not been in good health since the birth of the baby. The mother said that she was temporarily insane and declared that he didn't believe she "intended to take little Bessie with her." Koenig is employed as a ship carpenter by the North German Lloyd Steamship Company in Hoboken.

COMBERS TO SPEAK HERE

At the Mass Meeting to Help Along Amended Sherman Law.

A conference of representatives of unions in the Central Federated Union was held yesterday in Beethoven Hall, Fifth street near the Bowery, at which final preparations were made for the mass meeting at Grand Central Palace on Sunday, April 19, to protest against the recent labor decisions of the United States Supreme Court and demand legislation by Congress eliminating the labor unions from the provisions of the Sherman anti-trust law. It was announced that President Samuel Gompers and Vice-President James Duncan of the American Federation of Labor and John Mitchell will speak. Gompers, with a subcommittee of the executive committee of the A. F. of L., will leave for New York on Sunday morning and will be in New York on Sunday afternoon. Similar meetings will be held on the same date in every other city where there are A. F. of L. unions.

Boys Love Suit Against Board of Education.

MINEOLA, L. I., April 9.—Supreme Court Justice Scudder to-day non-suited the cases of Le Roy R. Block and Charles J. N. Dyer against the Board of Education of New York City. Block and Dyer, who were apprentices on the school ship St. Marys, were injured by the explosion of the boiler of a launch in which they were going from the ship to the dock at Glen Cove last summer. Justice Scudder held that the Board of Education had no jurisdiction after the ship had left her dock in New York. An appeal probably will be taken.

Italian Ambassador to France Dead.

Special Cable Dispatch to THE SUN.

PARIS, April 9.—Count Bergami di Torneilli, the Italian Ambassador to France, died here to-day.

Gov. Hughes to Speak in Watertown and Buffalo.

ALBANY, April 9.—Gov. Hughes leaves for Watertown on the Empire State Express to-morrow. He is booked to speak there in the evening and then goes to Buffalo, where he will speak Saturday evening.

The Weather.

The storm which was central over the lower Lake regions on Wednesday was central yesterday morning on the Nova Scotia coast, still causing thunderstorms at a few places in New York and southern New England and snow in northern New England. Clearing weather followed it.

There was rain in the Arkansas and middle Mississippi valleys, and in the Northwest it was becoming cloudy.

In this city the day was fair and cooler; wind, brisk northwest; average humidity, 69 per cent; barometer, corrected to sea level, at 8 A. M., 30.01; 3 P. M., 30.12.

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed table:

1908. 1907.

9 A. M. 41° 32° P. M. 48° 48°

10 A. M. 47° 32° P. M. 48° 48°

11 A. M. 47° 32° P. M. 48° 48°

Lowest temperature, 30° at 7:30 A. M.

WATERGATE FORECAST FOR TO-DAY AND TO-MORROW.

For eastern New York, eastern Pennsylvania, the District of Columbia and Maryland, partly cloudy and warmer to-day; showers to-night or to-morrow; variable winds.

For New England, fair to-day; showers and warmer to-morrow or at night; fresh west to northwest winds, becoming variable.

For New York and Delaware, fair to-day; showers at night or to-morrow; variable winds.

For western New York, increasing cloudiness and warmer to-day; showers to-morrow.

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